

Application Serial No. 09/973,622
Amendment dated June 12, 2006
Reply to Office Action of December 12, 2005

Remarks

This paper is submitted in reply to the Final Office Action dated December 12, 2005 and is accompanied by a Request for Continued Examination (RCE) and a Transmittal containing a Petition for Extension of Time of three months. The period for response therefore extends up to and include June 12, 2006. Authorization for credit card charges for the requisite fees is granted in the Electronic Patent Application Fee Transmittal attached. Reconsideration and allowance of all pending claims are therefore respectfully requested.

In the subject Office Action, claims 1-21, 23-44 and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/00464046 (Barrot et al.) and U.S. Patent Application Publication No. 2005/0102199 to Lee (Lee) and the article describing the Rocky Mountain Monument & Vault's monument design software described in the article, "Funeral Home Online-Funeral Home Goes High Tech" from the *Utah Prime Times* July 2000 issue.

Applicants respectfully traverse the rejections of the Office Action to the extent that they still are maintained. Applicants have nonetheless amended claims 1, 23 and 48 in deference to the Examiner.

Each independent claim has been amended to include a correlated item comprising a visually appealing, physical adornment. Of the three references used to justify the obviousness rejection, none, alone or in combination, suggest or motivates such a feature in the context of the additional, claimed features. In particular, the new reference, Lee does not disclose items assembled to beautify, or adorn, other components of the assembled computer. If anything, the customizable components are added out of necessity to make the system function properly, and not to beautify, or adorn (paragraph 38). That is, the customizable options disclosed in Lee are selected on the basis of the function they perform, not as to whether they add beauty to the overall system (paragraphs 56-62). This is because the display mechanism in Lee is directed towards verifying the completeness and functionality of an order, or making certain that certain functional user requirements are satisfied (paragraph 11).

Lee's method of inventorying functionality is different than a process used to guide a bereaved loved one through the personal, subjective decisions involving adorning a casket or other funerary item. Such adornments, and the overall visual impressions created using such adornments, may be completely discretionary and are unique to funerary items.

Such adornments are furthermore not present or suggested in the earlier cited Barrot or *Utah Prime Times* references. More specifically, the *Utah Prime Times* article regards an etching that is etched out of, not fastened to the headstone. Moreover, the etching does not comprise a physical adornment (capable of being permanently fastened). There is no disclosure in the article that a physical adornment is attached to the headstone. In the context of the article, putting "anything on the stone" refers exclusively to any etched design. Any inference read into the article suggesting that it discloses showing anything but text or images sandblasted out of a headstone can only be impermissible hindsight.

The Examiner admits that Barrot does not teach forming a composite image by superimposing an overlay image over a base image. Instead, Barrot discloses a computer that allows users to view images of different funeral products by replacing one web page image with another web page image. Barrot even teaches away from the modification of static distributor images at paragraph [0017]. Namely, distributor's images are only accessible in "read only" mode in the Barrot et al. system to preserve data integrity. The Barrot et al. system actually takes precautions to prevent a user from altering a distributor's image of product, such as altering text on a product image as disclosed in the

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Utah Prime Times article. Thus, there is no motivation to combine Barrot with a reference that allows modification of distributor images.

Even if all the references could be properly combined, however, there would still be no collective disclosure present to suggest the claimed features. As such, Applicants respectfully submit that claims 1-44 and 47-51 are now in condition for allowance. Reconsideration and allowance these claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner is encouraged to contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: /Douglas A/ Scholer/
Douglas A. Scholer
Reg. No. 52,197

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
Phone: (513) 241-2324
Fax: (513) 241-6234